

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 63901

Arturo Alfaro

120 Ventnor Terrace

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on August 26, 2009, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-7-401, 402, 403, failure to cut and remove overgrown grass/weeds and to maintain at a height of 3 in. or less; section 35-5-302 (a)(1), failure to alleviate unsanitary conditions; section 35-5-302 (b)(1), failure to repair and maintain exterior of structure; Baltimore County Zoning Regulations (BCZR) section 101, 1B01.1A, 102.1; (BCC) section 13-4-104, failure to eliminate open dump conditions on residential property zoned DR 10.5 known as 120 Ventnor Terrace, 21222.

On July 16, 2009, pursuant to § 3-6-205, Baltimore County Code, Inspector Robert Moorefield issued a Code Enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$40,000.00 (forty thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on July 7, 2009 for removal of trash and debris, proper storage of garbage, repair of house, and cut tall grass and weeds. This Citation was issued on July 16, 2009.

B. Court records show that this property is in foreclosure proceedings. Photographs in the file show small amounts of junk and trash in the yard and on the porch that should be removed. Photographs also show windows that appear to be broken and some that are ajar. The house is not secure from human or animal encroachment. The front porch rain gutter appears to be partially detached; proper maintenance of gutters and downspouts is important for the preservation of this house and also for the protection of the connected rowhouses from rainwater and runoff. Respondent must repair all windows and gutters.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 (one hundred dollars) if the violations are corrected by September 28, 2009.

IT IS FURTHER ORDERED that after September 28, 2009, the County may enter the property for the purpose of removing all junk, trash, and debris, at Respondent's expense.

IT IS FURTHER ORDERED that after September 28, 2009, the County may enter the property for repairing or boarding all windows as needed, and for repairing rain gutters as needed, at Respondent's expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 14th day of September 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer